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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 Giovanni Valerio

15 Petitioner,

16 v.

17 Anthony Scillia, *et al.*,

18 Respondents.

Case No. 2:10-cv-01806-GMN-EJY

**Unopposed Motion to Extend Time
to file Motion for Evidentiary
Hearing**

(First Request)

POINTS AND AUTHORITIES

Petitioner Giovannie Valerio respectfully asks this Court to enter an Order extending his deadline for filing a motion for an evidentiary hearing by seven days until November 10, 2020.

This is Valerio's first and last request for an extension of this deadline.

Senior Deputy Attorney General Jessica E. Perlick does not object to this request.

This Court's August 5, 2020 Order was very clear about the chances of obtaining an extension of this deadline, in light of the age of the case, the amount of prior litigation, and the 90 days the Court gave Valerio to complete its investigation.¹ Counsel took the Court's admonishment's seriously, and the investigator immediately got to work. Counsel has also been working on Valerio's case with the intention of meeting this deadline. However, counsel cannot file a motion for an evidentiary hearing or other response to this Court's Order without speaking to Valerio.

Valerio is incarcerated at Lovelock Correctional Center. In an attempt to speak with Valerio one final time before today's deadline, counsel both sent him a letter asking him to call as soon as possible and scheduled an attorney call through the prison.

The time it takes to schedule an attorney call has increased in the last month or so in light of COVID-19's continued impact. There are more inmates than there are available spaces for confidential attorney calls. The need has increased as the pandemic goes on, and calls must compete with parole hearings and other remote court appearances, which have also increased.

Undersigned counsel did not reach out to the warden's attorney for help, as the Court suggested in its order, because the prison explained that the delay was

¹ ECF No. 93 at 18. *See* ECF No. 93, generally.

1 the direct result of limitations on space and time. Counsel did not believe there was
2 anything Atty. Perlick could do to help.

3 Counsel scheduled a telephone call with Valerio for the first available time—
4 November 4, 2020 at 8 a.m. Upon learning of this date and time, falling as it did one
5 day after the deadline, counsel wrote to Valerio and asked him to call as soon as
6 possible. However, Valerio has been unable to call. Counsel attributes that to
7 Valerio's limited access to the phone, which varies from day to day depending on
8 what is going on in the prison.

9 Upon speaking to Valerio, counsel will be able to file her response to this
10 Court's most recent order. She will make every effort to file as soon as possible,
11 including before the expiration of the requested one-week extension. Accordingly,
12 Valerio respectfully asks this Court to extend the deadline for filing a motion for an
13 evidentiary hearing or other response to this Court's August 5, 2020 deadline by
14 seven days, until November 10, 2020.

15 Dated November 3, 2020.


16 Respectfully submitted,

17 Rene L. Valladares
18 Federal Public Defender

19 /s/Amelia L. Bizzaro
20 Amelia L. Bizzaro
21 Assistant Federal Public Defender

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23 IT IS SO ORDERED.

24 Dated this 3 day of November, 2020.

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27 Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT